

## **BOARD INSTITUTIONAL HEARINGS**

The Indeterminate Sentence Review Board now conducts two primary types of hearings in the institutions and there are some small but significant differences.

(1) A “parolability” or “.100” (RCW 9.95.100) hearing.....The Board shall not, however, until his maximum term expires, release a prisoner unless in its opinion his rehabilitation has been complete and he is a fit subject for release. (Complete statute should be read).

These hearings are for offender/inmates whose crime of jurisdiction was prior to July, 1984 when the Sentencing Reform Act (SRA) became effective. (See “Washington’s Parole System”)

A lawyer contracted by Department of Corrections (DOC) prison legal services will be present to assist and advocate for the offender/inmate and may have questions for the classification counselor.

These hearings are presently scheduled about 120 days before the Parole Eligibility Review Date (PERD) which is about 2/3 of the last set minimum term, depending on “good time” earned or lost.

(2) A “Community Custody Release” or “.420” (RCW 9.95.420(3)) hearing.....Board shall conduct a hearing to determine whether it is more likely than not that the offender will engage in sex offenses if released on conditions.....(Complete statute should be read).

These hearings are for offender/inmates committing certain sex crimes on or after September 1, 2001 , (See “Determinate Plus” sentencing).

DOC has determined not to provide lawyers at these hearings and to avoid economic discrimination, private attorneys will not be allowed.

These hearings are to be scheduled not less than 90 days before expiration of the Court-set minimum term less “good time”, but after the Board receives the End of Sentence Review Committee report. Some “short” sentenced inmates will have essentially completed their terms in jails before arriving at DOC and obviously they will have extremely short institutional histories to relate.

In cases of multiple counts/causes, the actual presumed date of release determines when the hearing will be scheduled.

Cut-offs for inclusion in a Board docket are about six weeks prior to the anticipated hearing.

## **HEARING CONDUCT**

Board hearings are semi-formal judicial proceedings with sworn witnesses and an electronic record conducted by two Board members as a panel. Decisions are presently deferred and eventually published from four to six weeks following the hearing.

It is Board policy to keep the hearings as relaxed as possible. The offender/inmate will be addressed as Mr/Ms and may be confronted at times, as necessary.

Hearings are intended to be about 45 minutes and the presiding member will introduce the participants and explain the procedure to be followed before swearing in the offender/inmate and Classifications Counselor.

## **ROLE OF THE CLASSIFICATION COUNSELOR**

The Classification Counselor will bring their file as sometimes detail is inquired into.

Once sworn, the Classification Counselor will be asked to summarize the

- (1) Work, training and programming history for at least the current period,
- (2) Infraction behavior,
- (3) Observed reactions to any medications including apparent decompensations,
- (4) Spare time activities and any noted behavioral ratings,
- (5) Social supports such as visits, calls and correspondence in which inmate participates.

The Board panelists will have read the file, chronological entries and psychological reports, before the hearing and it is standard to inform the inmate that the Classification Counselor is a “fact” witness and matters of opinion are for the Board, the counselor is just summarizing the observed and reported behaviors.

### **OFFENDER/INMATE PRESENTATION**

The offender/inmate may have some additional questions of fact for the classification counselor and then is given a fairly broad latitude in making their own presentation.